

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**APPEAL FROM THE EXAMINER TO THE BOARD
OF PATENT APPEALS AND INTERFERENCES**

In re Application of: George S. GALES et al.

Confirmation No: 2381

Serial No.: 10/001,431

Filing Date: October 31, 2001

Group Art Unit: 2132

Examiner: Perungavoor, Venkatanaray

Title: SYSTEM AND METHOD OF DEFINING THE SECURITY
CONDITION OF A COMPUTER SYSTEM

Docket No.: 10016933-1

MAIL STOP: APPEAL BRIEF-PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Dear Sir:

REPLY BRIEF

Applicants respectfully submit this Reply Brief in response to the Examiner's Answer mailed January 19, 2006, pursuant to 37 C.F.R. § 1.193(b).

As an initial matter, it has recently come to Applicants' attention that an appeal brief may be considered to be noncompliant with 37 C.F.R. § 41.37 if headings are not provided for each ground of rejection. While this has not happened in the present case, out of an abundance of caution, Applicants have provided herewith an Amended Appeal Brief containing such headings. No changes to the arguments have been made in the Appeal Brief from those presented in Applicants' Appeal Brief filed December 20, 2005.

STATUS OF CLAIMS

Claims 1-29 stand rejected pursuant to a Final Office Action mailed August 31, 2005. Claims 1-29 are presented for appeal.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

1. Claims 1 and 3-29 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2002/011639 issued to Chefalas et al. (hereinafter “*Chefalas*”).

2. Claim 2 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Chefalas* in view of U.S. Patent No. 6,279,113 to Vaidya (hereinafter “*Vaidya*”).

ARGUMENT

A. First Ground of Rejection (Claims 1 and 3-11)

In the Examiner's Answer, the Examiner refers to paragraphs 005 and 0044 of *Chefalas* as disclosing "a human-readable and machine-readable vulnerability description language (VDL) file specifying" as recited by Claim 1 (emphasis added) (Examiner's Answer, page 3). Applicants respectfully disagree. The Examiner refers to the routing of a data packet ("business even 400 takes the form of a data packet, which contains a header 402 and a payload 404" (*Chefalas*, paragraph 0044) and indicates that the data packet is clearly machine-readable (Examiner's Answer). However, *Chefalas* does not disclose or even suggest, nor does the Examiner explicitly identify any disclosure in the *Chefalas* reference, that such data packet is "human-readable."

Additionally, the Examiner refers to a manager being paged about a virus and logging of a client, and the Examiner further refers to a user interface having information about a virus and the repair/removal of the virus (Examiner's Answer, page 3). Specifically, the Examiner appears to be referring to a client program that informs a user that a virus has been detected and takes automatic action or prompts the user for an action depending on the administrative settings (*Chefalas*, paragraph 0005). However, *Chefalas* does not disclose or even suggest, nor does the Examiner explicitly identify any such disclosure in the *Chefalas* reference, that the display of information to a user is "machine-readable" as recited by Claim 1. To the contrary, the Examiner appears to be referring to at least two different elements, namely, either a data packet (machine-readable) or a display of user information (human-readable), neither of which are both machine-readable and human-readable.

Further, the Examiner refers to a communication between a client and a server and indicates that such communication is "suggestive of [a] human-readable virus checking process" (Examiner's Answer, page 3). Applicants respectfully disagree. The Examiner has not explicitly identified, nor does *Chefalas* appear to disclose, any communication between a client and a server that is both human-readable and machine-readable as is required by the limitations of Claim 1. To the contrary, the communication

referred to by the Examiner is the data packet having a header 414 and a payload 416 (*Chefalas*, paragraph 0045), and *Chefalas* does not appear to disclose or even suggest that such data packet is human-readable. Moreover, *Chefalas* appears to disclose that such communication is identified as a “business event,” and that when in the form of a data packet, such data packet includes various fields such as the name of the virus, the action taken and the computer ID (*Chefalas*, paragraph 0044). However, *Chefalas* does not disclose or even suggest that such data packet information is human-readable. To the contrary, *Chefalas* appears to be limited to disclosing the type of information contained in the data packet and not the format of the data.

Accordingly, we submit that Claim 1, and Claims 3-11 that depend therefrom, are patentable over the cited reference.

B. First Ground of Rejection (Claims 12-16)

Independent Claim 12 recites “generating a human-readable and machine-readable vulnerability description language (VDL) file specifying” As discussed above in connection with independent Claim 1, in the Examiner’s Answer, the Examiner refers to paragraphs 005 and 0044 of *Chefalas* as disclosing the limitations of independent Claim 12 (Examiner’s Answer, page 3). Applicants respectfully disagree. The Examiner refers to the routing of a data packet (“business even 400 takes the form of a data packet, which contains a header 402 and a payload 404” (*Chefalas*, paragraph 0044) and indicates that the data packet is clearly machine-readable (Examiner’s Answer). However, *Chefalas* does not disclose or even suggest, nor does the Examiner explicitly identify any disclosure in the *Chefalas* reference, that such data packet is “human-readable.”

Additionally, the Examiner refers to a manager being paged about a virus and logging of a client, and the Examiner further refers to a user interface having information about a virus and the repair/removal of the virus (Examiner’s Answer, page 3). Specifically, the Examiner appears to be referring to a client program that informs a user that a virus has been detected and takes automatic action or prompts the user for an action

depending on the administrative settings (*Chefalas*, paragraph 0005). However, *Chefalas* does not disclose or even suggest, nor does the Examiner explicitly identify any such disclosure in the *Chefalas* reference, that the display of information to a user is “machine-readable” as recited by Claim 12. To the contrary, the Examiner appears to be referring to at least two different elements, namely, either a data packet (machine-readable) or a display of user information (human-readable), neither of which are both machine-readable and human-readable.

Further, the Examiner refers to a communication between a client and a server and indicates that such communication is “suggestive of [a] human-readable virus checking process” (Examiner’s Answer, page 3). Applicants respectfully disagree. The Examiner has not explicitly identified, nor does *Chefalas* appear to disclose, any communication between a client and a server that is both human-readable and machine-readable as is required by the limitations of Claim 12. To the contrary, the communication referred to by the Examiner is the data packet having a header 414 and a payload 416 (*Chefalas*, paragraph 0045), and *Chefalas* does not appear to disclose or even suggest that such data packet is human-readable. Moreover, *Chefalas* appears to disclose that such communication is identified as a “business event,” and that when in the form of a data packet, such data packet includes various fields such as the name of the virus, the action taken and the computer ID (*Chefalas*, paragraph 0044). However, *Chefalas* does not disclose or even suggest that such data packet information is human-readable. To the contrary, *Chefalas* appears to be limited to disclosing the type of information contained in the data packet and not the format of the data.

Accordingly, we submit that Claim 12, and Claims 13-16 that depend therefrom, are patentable over the cited reference.

C. First Ground of Rejection (Claims 17-29)

Independent Claim 17 recites “a human-readable and machine-readable vulnerability description language (VDL) file containing” As discussed above in connection with independent Claim 1, in the Examiner’s Answer, the Examiner refers to

paragraphs 005 and 0044 of *Chefalas* as disclosing the limitations of independent Claim 17 (Examiner's Answer, page 3). Applicants respectfully disagree. The Examiner refers to the routing of a data packet ("business even 400 takes the form of a data packet, which contains a header 402 and a payload 404" (*Chefalas*, paragraph 0044) and indicates that the data packet is clearly machine-readable (Examiner's Answer). However, *Chefalas* does not disclose or even suggest, nor does the Examiner explicitly identify any disclosure in the *Chefalas* reference, that such data packet is "human-readable."

Additionally, the Examiner refers to a manager being paged about a virus and logging of a client, and the Examiner further refers to a user interface having information about a virus and the repair/removal of the virus (Examiner's Answer, page 3). Specifically, the Examiner appears to be referring to a client program that informs a user that a virus has been detected and takes automatic action or prompts the user for an action depending on the administrative settings (*Chefalas*, paragraph 0005). However, *Chefalas* does not disclose or even suggest, nor does the Examiner explicitly identify any such disclosure in the *Chefalas* reference, that the display of information to a user is "machine-readable" as recited by Claim 17. To the contrary, the Examiner appears to be referring to at least two different elements, namely, either a data packet (machine-readable) or a display of user information (human-readable), neither of which are both machine-readable and human-readable.

Further, the Examiner refers to a communication between a client and a server and indicates that such communication is "suggestive of [a] human-readable virus checking process" (Examiner's Answer, page 3). Applicants respectfully disagree. The Examiner has not explicitly identified, nor does *Chefalas* appear to disclose, any communication between a client and a server that is both human-readable and machine-readable as is required by the limitations of Claim 17. To the contrary, the communication referred to by the Examiner is the data packet having a header 414 and a payload 416 (*Chefalas*, paragraph 0045), and *Chefalas* does not appear to disclose or even suggest that such data packet is human-readable. Moreover, *Chefalas* appears to disclose that such communication is identified as a "business event," and that when in the

form of a data packet, such data packet includes various fields such as the name of the virus, the action taken and the computer ID (*Chefalas*, paragraph 0044). However, *Chefalas* does not disclose or even suggest that such data packet information is human-readable. To the contrary, *Chefalas* appears to be limited to disclosing the type of information contained in the data packet and not the format of the data.

Accordingly, we submit that Claim 17, and Claims 18-29 that depend therefrom, are patentable over the cited reference.

D. Second Ground of Rejection (Claim 2)

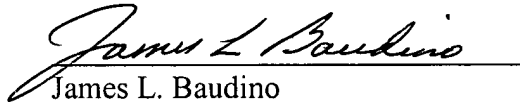
Claim 2 depends from independent Claim 1. For at least the reasons discussed above and in Applicants' Appeal Brief, Claim 1 is in condition for allowance. Therefore, Claim 2 is also allowable.

CONCLUSION

Applicants have demonstrated that the present invention as claimed is clearly distinguishable over the art cited of record. Therefore, Applicants respectfully request the Board of Patent Appeals and Interferences to reverse the final rejection of the Examiner and instruct the Examiner to issue a notice of allowance of all claims.

No fee is believed due with this Reply Brief. If, however, Applicants have overlooked the need for any fee, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 08-2025 of Hewlett-Packard Company.

Respectfully submitted,


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PATENT APPLICATION

ATTORNEY DOCKET NO. 10016933-1

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TRANSMITTAL OF REPLY BRIEF

Transmitted herewith is the Reply Brief with respect to the Examiner's Answer mailed on January 19, 2006.

This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new ground rejection.)

No fee is required for filing of this Reply Brief.

If any fees are required please charge Deposit Account 08-2025.

- ☒ I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
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Respectfully submitted,

George S. GALES et al.

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